

Proposed Amendments to be Considered at October 27, 2009 Public Hearing

The Transportation Licensing Commission will meet at 1:30pm on October 27, 2009 in the Jury Assembly Room on the ground floor of the Metropolitan Courthouse. Included on the agenda will be public hearings to consider amendments to the Wrecker and Towing Services ordinance (Chapter 6.80 of the Metropolitan Code of Laws) and amendments to the Rules and Procedures of the Metropolitan Transportation Licensing Commission related to wrecker services, as shown below.

PROPOSED AMENDMENT ONE

(Amendment to Chapter 6.80 of the Metro Code - proposed additional wording shown in bold print)

Section 6.80.020 Purpose and intent of provisions

It is declared to be the purpose and intent of this chapter that all wreckers, towing services and wrecker services doing business within the area of the metropolitan government be licensed and required to have adequate insurance coverage in force as set out in this chapter for the protection and welfare of the public. The provisions of this chapter shall not apply to a wrecker service located outside the area of the metropolitan government and which occasionally passes through or delivers vehicles within the area of the metropolitan government, unless such wrecker service picks up or delivers such vehicles within the area of the metropolitan government more than five times within any thirty-day period; **or unless the license or permit of such wrecker service, wrecker vehicle or wrecker driver has been revoked by the metropolitan transportation licensing commission.**

PROPOSED AMENDMENT TWO

(Amendment to Chapter 6.80 of the Metro Code – proposed deletions with additional wording shown in bold print)

Section 6.80.170 Nonconsent tows

A. No one ~~authorized to operate a wrecker service~~ shall make nonconsent tows ~~until written notification of intent to make nonconsent tows or engage in nonconsent towing has been on file with the commission for at least seventy two hours.~~ **without prior approval from the metropolitan transportation licensing commission.**

PROPOSED AMENDMENT THREE

(Amendment to the *Rules and Procedures (Wreckers) of the Metropolitan Transportation Licensing Commission* - proposed additional wording shown in bold print)

Rule 3 – Application for Wrecker Driver Permits

Each application for a wrecker driver permit shall be signed by the applicant and shall be duly attested by a notary public. The applicant must appear in person with a valid Tennessee driver's license to apply for a license. All appropriate fees must be paid in advance. Applicants must complete a criminal background check. Applicants with a record of convictions may be required to appear for a Commission hearing to determine if a permit will be approved. A management representative of the employing wrecker company must also appear at the hearing. **Upon denial of an application for a wrecker driver permit, no new application may be submitted for consideration for a period of three months.**

PROPOSED AMENDMENT FOUR

(Amendment to the *Rules and Procedures (Wreckers) of the Metropolitan Transportation Licensing Commission* - proposed deletions with additional wording shown in bold print)

Rule 24 – Nonconsent Towing from Private Property

Prior to towing a vehicle (or personal property) from private property without the vehicle (or personal property) owner's consent, the towing company must have express written authorization for towing of that vehicle (or personal property) from the owner of the private property or designated agent. When an individual is designated by a private property owner to act as an agent to authorize towing from the property, such designation must be in writing and signed by the private property owner. There shall be some relationship between the private property owner and the designated agent, and there may be no relationship between the designated agent and the towing company. ~~No employee of a wrecker company or designee of a wrecker company may patrol or otherwise participate in the decision making process about which vehicles are to be towed; this includes placing any sticker, signal or any other form of designation on any vehicle to be towed.~~ **An employee of a wrecker company may patrol a parking lot of a business to ensure that vehicles are in accordance with the business property guidelines for allowable parking only if these procedures are followed:**

- (a) The wrecker company employee must obtain written, signed and dated permission from the private property owner or designated agent to patrol the lot;**
- (b) A form must be used to identify each vehicle that is not in compliance with the guidelines;**
- (c) The form must include the make, model, color, and license plate number or VIN of the vehicle;**
- (d) The form must be signed by the private property owner or designated agent prior to the departure of the wrecker company employee from the property;**
- (e) A sticker must be placed on the vehicle to notify the vehicle owner that the vehicle is not in compliance with the business property guidelines;**
- (f) The sticker must include the date of notification and a statement that the vehicle owner may contact the private property owner or designated agent for further details;**
- (f) No sooner than ten days after the sticker is placed on the vehicle, the private property owner or designated agent may sign a tow slip authorizing the towing of the vehicle.**

Contracts or written agreements between a towing company and private property owners for nonconsent towing must be retained by the towing company, and must include the property owner's signature and the signature(s) of any agent(s) designated by the private property owner. The towing company must make these documents available for inspection by the Commission or any designated representative at any time. Maximum allowable rates for nonconsent towing from private property will be as specified in Section 6.80.550(H) of the Metropolitan Code of Laws.